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Mr. Winfred L. Foss, Secretary
Industrial Park Authority
State House Annex
Concord, New Hampshire

OCT 01 1998

CONCORD, N.H.

Dear Sir:

You have requested the advice of this office on the following questions relating to the Industrial Park Authority:

1. Has the Authority the right to sell property it improves held in its name directly to a purchaser?
2. Has the Authority the right to obligate itself to a realtor for a commission for selling such property?

Both of the above questions are answered in the affirmative. Under the provisions of chapter 254, Laws of 1955, the Industrial Park Authority may develop, construct facilities, acquire, hold and dispose of both real and personal property for the purposes outlined in the chapter. The idea behind the establishment of the Authority is the development of industry and areas suitable for industry. Such development must also include the disposal of property and rights constructed or acquired by the Authority to private purchasers.

The statute further provides that in order to dispose of such projects once constructed or acquired, the Authority may include as a "cost of project" such costs as are necessary to "place the same in operation". It is our opinion that a standard commission to a realtor is a proper cost of project.

I am forwarding to you under separate cover an acceptable paragraph to be used in presenting plans and specifications to realtors so that the Authority will be protected.

Very truly yours,

Arthur E. Bean, Jr.
Assistant Attorney General

AEB,Jr/T